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Attorney for Defendant Robert Kjellberg

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re	)	BK No. 12-48886 RLE 7
Robert Scott Kjellberg	)	Adv No.
Ch 7 Debtor	)	
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<b>Robert Kjellberg,</b>	)	<b>COMPLAINT TO</b>
<b>Plaintiff</b>	)	<b>DETERMINE</b>
	)	<b>DISCHARGEABILITY</b>
	)	<b>OF STUDENT LOAN</b>
<b>v</b>	)	
<b>SALLIE MAE and UNITED STATES</b>	)	
<b>DEPARTMENT OF EDUCATION</b>	)	
<b>Defendant</b>	)	
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Plaintiff, ROBERT KJELLBERG, alleges:

1. He is a Debtor in Chapter 7 in the United States Bankruptcy Court, Northern District of California, Oakland Division - case number 12-48886
2. The Defendants - above named - are the owners or guarantors of a student loan involving the Defendant, Acct Number 17183058 or 9578593246 The Loan is being managed by SALLIE MAE, INC and is guaranteed the United States government through the UNITED STATES DEPARTMENT OF EDUCATION. The amount of the debt is

1 approximately \$45,045.00

2  
3 3. This lawsuit is governed by 11 U.S.C. § 523 section (a)(8) as a case of “undue hardship.”  
4 The Court has jurisdiction to hear this matter pursuant to 28 U.S.C. § 1334 and 28 U.S.C.  
5 §157. It is a core proceeding as defined in 28 U.S.C 157(B)(2) as a determination of  
6 dischargeability of debt. Venue is proper under 28 U.S.C. 1404.

7  
8 4. To the best of Plaintiff’s recollection ,the debt arose when the Plaintiff started with  
9 Berkeley City College in pursuit of an A.A degree in biotechnology on or about the year  
10 2000. Plaintiff did not finish the degree. Defendant has advised Plaintiff that the debt began  
11 in 2003, which may the date when payments were supposed to commence.

12  
13 5. During the schooling, Plaintiff was manifesting severe mental difficulties which made  
14 taking exams as well as interacting with others very hard.

15  
16 6. Ultimately, Plaintiff was diagnosed with a mental disability and his only source of  
17 income at the current time is social security disability. At the time of filing the bankruptcy,  
18 he was receiving \$1,018.00 a month - and he receives some negligible food stamps  
19 assistance.  
20 The Social Security Disability has been recently increased to \$1,032.00. Plaintiff’s bare  
21 living  
22 expenses are \$1450.00 a month. The Plaintiff cannot live on his income, even a marginal  
23 existence, and is using his small savings every month which is estimated to run out within the  
24 near future. Other than that, Plaintiff has negligible assets.

25  
26 7. There is no additional money available to the Plaintiff whatsoever to pay the student loan  
27 owed to the Defendants. Plaintiff understands that his mental disability will be reassessed

1 between 2017 and 2019. He will be receiving his disability check from the U.S. Treasury  
2 each month during that time. He is not working. He is not employed. He has no  
3 expectation of employment. Plaintiff's inability to pay the student loan will therefore  
4 last a considerable period of time.

5  
6 8. In the past, Plaintiff did make good faith payments on the student loan. He recalls making  
7 at least two years of payments. He is awaiting records from SALLIE MAE on his  
8 payment history on the loan. Plaintiff did work at Kaiser Permanente, as a temporary clerk,  
9 but that job ended in 2009. Since that job ended, the Plaintiff had no further employment.  
10 There were no payments on his student loan when he was unemployed.

11  
12 9. Plaintiff seeks a determination that this student loan is dischargeable under the standard  
13 of undue hardship under 11 U.S.C 523 (a)(8) as understood under the cases  
14  
15

16 Dated: 1-18-13

/s/ Gerard Launay, Esq.  
Gerard Launay  
Attorney for Plaintiff - Ch 7 Debtor